

DOCUMENT # 5374
ADOPTED 12/20/90

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY

RE: PROCLAIMER OF MINOR MODIFICATION OF THE URBAN RENEWAL PLAN
OF THE DOWNTOWN WATERFRONT-FANEUIL HALL URBAN RENEWAL AREA
PROJECT NO. MA. R-77

WHEREAS, the Urban Renewal Plan for the Downtown Waterfront-Faneuil Hall Urban Renewal Area, Project No. Ma. R-77, was adopted by the Boston Redevelopment Authority on April 15, 1964, and amended on April 8, 1965; and

WHEREAS, Section 1201 of Chapter XII of said Plan entitled "Modification" provides in pertinent part that the Plan may be modified at any time by the Boston Redevelopment Authority where the proposed modification will not substantially or materially alter or change the Plan; and

WHEREAS, the Table of Land Use and Building Requirements, included in Section 503 of the Plan specifies "General Business and Residential" as the generic permitted uses for Parcel B-1 through B-3; and

WHEREAS, the Boston Redevelopment Authority has determined that "Transient Housing" is such a general business use and that it should be specifically set forth as a permitted use for Parcel B-2 and; and

WHEREAS, the proposed addition of a specific use will technically necessitate a modification of the said Table of Land Use;

WHEREAS, Section 5.02(9) of said Plan permits the Boston Redevelopment Authority the right to allow on any parcel such uses as it determines to be consistent with the goals and objectives of the Plan; and

WHEREAS, it is the opinion of the Authority that the minor modification as to allowance of Transient Housing as a specific use with respect to Parcel B-2 is consistent with the goals and objectives of the Plan; and

WHEREAS, the proposed amendment to the Plan is a minor change and may be adopted within the discretion of the Authority pursuant to Section 1201 of said Plan; and

WHEREAS, the Housing Act of 1949 as amended requires that there shall be no provision permitting the new construction of hotels or other transient housing in an Urban Renewal Area unless the community in which the project is located has caused a competent independent analysis of the local supply of transient housing and has determined that there exists in the locality a need for additional units of such housing; and

WHEREAS, such study has been prepared and approved by the

community and such study is entitled "Land Use and Marketability Study, Downtown Waterfront-Faneuil Hall Urban Renewal Project", dated January 31, 1964; as the same has been supplemented by a "Hotel Development Study" prepared for the City of Boston by the Boston Redevelopment Authority, Policy and Research Department, dated May 17, 1989; and

WHEREAS, such studies have fulfilled the requirements of the Housing Act of 1949 and have established a need for additional units of such transient housing in the Downtown Waterfront-Faneuil Hall Urban Renewal Area; and

WHEREAS, the Authority is cognizant of Chapter 781 of the Acts and resolves of 1972 with respect to minimizing and preventing damage to the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That the Table of Land Use and Building Requirements included in Section 503 of the Downtown Waterfront-Faneuil Hall Urban Renewal Plan is hereby amended by adding to the Permitted Uses for Parcel B-2, Site Designation B-1 through B-3, "Transient Housing - Parcel B-2 only".
2. That this amendment is found to be a minor modification which does not substantially or materially alter or change the Plan and is consistent with the provisions sustained in Section 502(9) of the Plan.
3. That it is hereby found and determined that this minor modification of the Plan will not result in significant damage to or impairment of the environment and further, that all practicable and feasible means and measures have been taken and are being utilized to avoid and minimize damage to the environment.
4. That all other provisions of said Plan not inconsistent herewith be and hereby are continued in full force and effect.
5. That pursuant to a competent independent analysis of the local supply of transient housing that there exists within the Downtown Waterfront-Faneuil Hall Urban renewal Area the need for additional units of transient housing.
6. That the Director be and hereby is authorized to proclaim by certificate this minor modification of the Plan in accordance with the provisions of the Urban Renewal Handbook, RHM 7207.1

FINDING OF THE BOSTON REDEVELOPMENT
AUTHORITY UNDER MGL CH. 91, SEC. 18
AND
ARTICLE 42A-5

Article 42A-5 of the City of Boston Zoning Code establishes the criteria and standards used by the Boston Redevelopment Authority (BRA) in making a recommendation to Department of Environmental Protection (DEP) as to whether a proposed project "serves a proper public purpose" and "would not be detrimental to the public rights in tidelands." Of the eleven sections of Article 42-5, only sections 1, 2, 6, 8, and 9 are applicable to the Lewis Wharf project. The following finding reviews the compliance of Lewis Wharf with the relevant requirements.

Section 1 - Determination of Proper Public Purpose

This section addresses how the project reasonably and appropriately preserves and enhances the public's rights in Tidelands, including:

- Visual access to the water;
- Rights of fishing, fowling and navigation;
- Physical access to the water's edge for recreation, commerce and other lawful purposes;
- Interest in preservation of the historic character of the site;
- Interest in industrial and commercial waterborne transportation of goods and persons;
- Interest in repair of dilapidated piers that limit public access; and
- Interest in safe and convenient navigation.

Lewis Wharf is supportive of the above public rights and interests in Tidelands. Visual access to the water has been provided from many points along Commercial Street, from the important Fleet Street view corridor, along cross harbor view corridors and from points within the project. The rights of fishing, fowling and navigation have been maintained through the provision of landside public access along the entire project perimeter, and through the provision of a public marina, fishing piers, public boat landing, and public dinghy dock. Physical access to and along the water's edge has been provided throughout the project and includes areas which are presently not accessible to the public. Substantial landscaped public open space has been provided, approximately 57% of the entire site is set aside as public open space. As confirmed in the letter received on the DEIR/DPIR from the Massachusetts Historical Commission (Comment # 5 in Chapter IV), the project respects the historic character of the adjacent Granite Building. The proposed Marine Inn reflects the scale and massing of the finger pier buildings historically prevalent in the area. Waterborne transportation will be facilitated

in a manner appropriate to the locale through the provision of a water taxi landing, a public boat landing providing short term pickup and drop off and additional transient docking facilities. The project will completely replace some of the most blighted and dilapidated piers on Boston's waterfront. The existing Towboat, Atwood and Steel Shed piers are derelict and largely inaccessible to the public due to safety concerns. The proposed pier footprint approximates those of the existing piers, thus insuring that there will be no adverse effect on navigation. Existing areas for small craft navigation outside the main shipping channel will be maintained.

Section 2 - Public Access to the Waterfront and Open Space

Article 42A-5 requires projects to provide continuous on foot public access, a pedestrian access network, public open space and public access facilities which are open 24 hours a day and accessible to the physically challenged, to encourage year-round use and activity, and to include appropriate signage indicating rights of public access.

Lewis Wharf complies with this section through the establishment of continuous on-foot access throughout the site, all of which shall be open to the public 24 hours a day, subject to reasonable rules and regulations that have been provided to the BRA and DEP for review. All portions of the project, including building interiors will be accessible to the physically challenged. The provision of Marine Inn, restaurant, cafe, shipwatching station, water taxi dock, health club, and pool uses will ensure that the project is an area of year-round activity. Signage will be provided throughout the site, indicating availability of public access.

Section 6 - Provision for Water Transportation Facilities

This section requires the provision of facilities for waterborne passenger transportation in accordance with the Harborpark District Plan and requires all seawalls and bulkheads, not including piers, to be designed to accommodate dockage of vessels for emergencies and other harbor activities.

Lewis Wharf is providing a substantial landing and shoreside support facilities for water taxi service, as well as a public boat landing. These measures are an appropriate provision of water transportation in light of both City and State sponsored studies of potential routes and locations of water transportation landings. While there will be no bulkheads or seawalls accessible to vessels, the harbormost edge of the North pier will be available for emergency or occasional use by larger vessels.

Section 8 - Uses allowed in Tidelands Proposed to be Filled and on Floating Structures

This section limits the use and placement of fill to that required for water-dependent uses except where the fill is eliminating minor shoreline irregularities and replacing previously authorized fill on a one to one basis or where the fill is reasonably required to provide for

mechanical or structural elements of the project that enter the seabed and is located under piers. Floating structures are limited to water-dependent uses.

Lewis Wharf includes minor filling to eliminate shoreline irregularities in the existing seawall and to accommodate the seaward corner of a below grade parking garage. Approximately 3,800 SF of area under the North Pier will be displaced by the garage structure. If desired by regulatory agencies, existing fill will be removed on a one to one basis from the South Pier area to compensate for the new fill. Alternatively, a financial contribution which reflects the cost of removing and disposing of fill may be made available for other worthwhile endeavors which promote the public use and enjoyment of the harbor. No floating structures, other than those for water-dependent use are proposed.

Section 9 - Regulations Governing Piers and other Structures in the North End Waterfront District.

This section prohibits the construction of buildings beyond the 1880 Harbor line and limits pier extensions to twelve feet beyond the 1880 Harbor line, only where the pier extension is used for publicly accessible open space or as part of a pedestrian access network. Extensions at the sides of existing piers are limited to a maximum increased width of 24 feet and must be used for public access.

Lewis Wharf complies with this provision by limiting pier extensions to twelve feet beyond the 1880 Harbor line, all of which is part of the public access system and limiting the width of the piers to a maximum of 24 feet more than the existing Towboat, Atwood and Steel Shed piers.

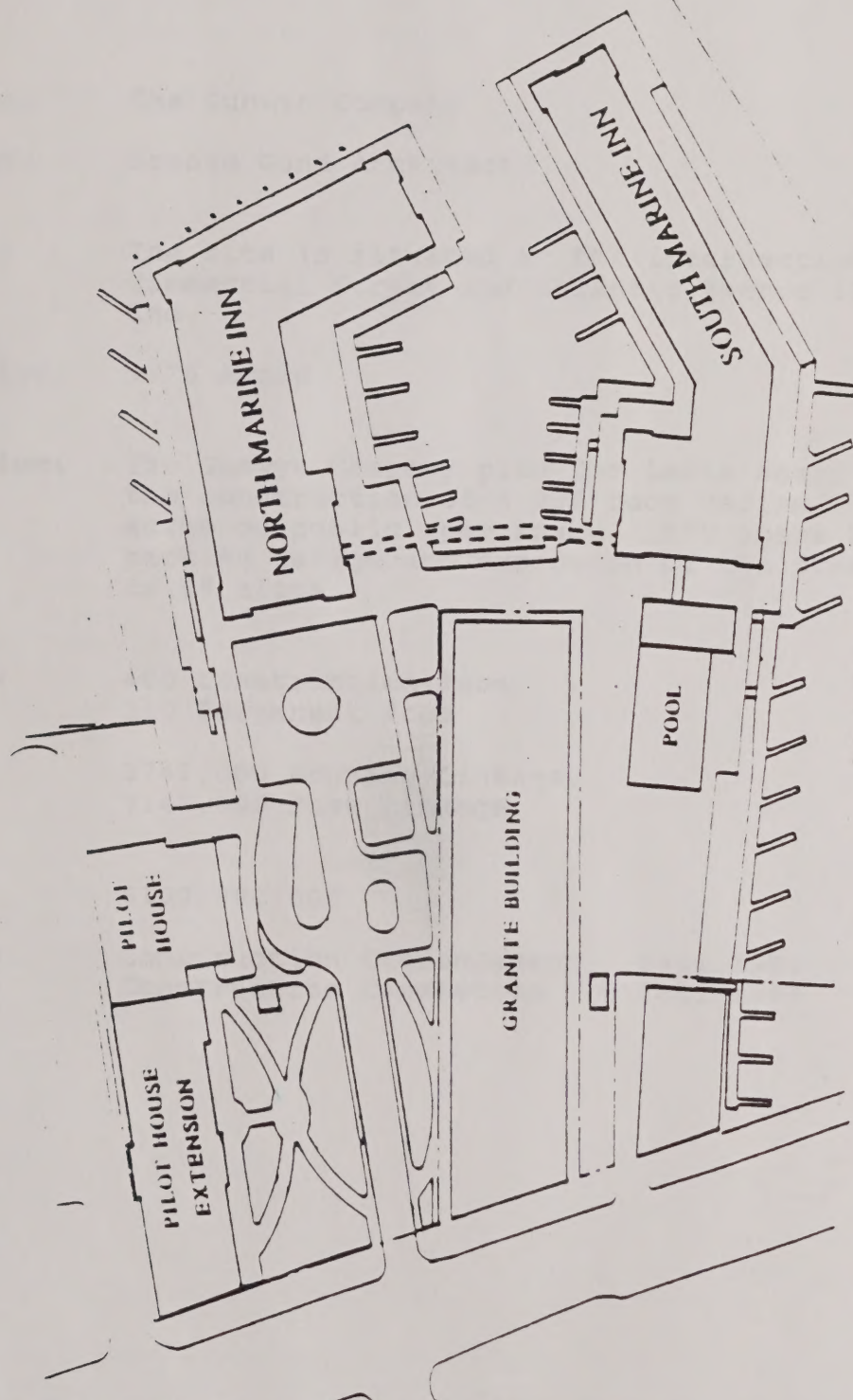
Waterfront Yard Setback Requirements Pursuant to 42A-7 and 42A-13.

The proposed Lewis Wharf development meets the required waterfront side yard areas concerning 12 foot setbacks from the sides of piers, and the proponent has chosen to reconfigure the 35 setback from the end of the pier through the Article 31 process in order to comply with Section 42A-13 and with Section 42A-5.9. Section 42A-13 states that "within the North End Waterfront Subdistricts, in order to achieve the maximum public benefit and use of the Waterfront Yard Area and the most desirable urban design plan and/or as may be required to permit compliance with Subsection 42A-5.9, the Applicant may propose to the Boston Redevelopment Authority a reconfiguration of the Waterfront Yard Area for a proposed project." Section 42A-5.9 prohibits expansion of any pier in the North End Waterfront by more than 12 feet beyond the 1880 Harbor Line, and such 12 feet may be used only as public accessible open space. If the Proposed Project had a minimum 12 foot setback from the sides of the piers and a minimum 35 foot setback from the ends of the piers as specified in Section 42A-7, the project would include only approximately 25,500 s.f. of open space on the pier. With the reconfiguration of the setbacks, the Proposed Project exceeds the 25,500 s.f. requirement

by including approximately 32,900 s.f. of open space on the pier. Through the development review provisions of Section 42A-8, the BRA has determined that the reconfigured end of the pier complies with the requirements of Article 42A-7.

Summary

In summary, the Lewis Wharf project serves a proper public purpose and will not be detrimental to the public rights in tidelands. The project conforms with each of the relevant objectives of Article 42A-5 and 42A-13. The Boston Redevelopment Authority hereby finds that the Lewis Wharf development proposal is deserving of a Chapter 91 license and recommends under the provisions of 310 CMR 913(5) that a Chapter 91 license be granted by DEP for the above project.



SITE PLAN

LEWIS WHARF

FACT SHEET

Developer: The Gunwyn Company

Architect: Graham Gund Architects

Parcel

Location: The site is situated at the intersection of Commercial Street and Atlantic Avenue in the North End.

Parcel Size: 9.76 Acres

Project

Description: The Gunwyn Company plan for Lewis Wharf includes the construction of a 335 room Marine Inn, 2.5 acres of public open space, 570 space below grade parking garage and expansion of the present Marina to 65 slips.

Economic

Benefits: 400 Construction Jobs
350 Permanent Jobs

\$742,000 Housing Linkage
\$148,000 Jobs Linkage

Project

Cost: \$100,000,000

Schedule: Construction Commencement Fall 1991
Construction Completion Fall 1993

Document #5374
ADOPTED

MEMORANDUM

DECEMBER 20, 1990

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: PAUL BARRETT, ASSISTANT DIRECTOR FOR HARBOR PLANNING
AND DEVELOPMENT
VICTOR KAREN, DEPUTY DIRECTOR FOR HARBOR PLANNING AND
DEVELOPMENT
JOHN NOONE, PROJECT MANAGER

SUBJECT: PUBLIC HEARING ON THE DEVELOPMENT IMPACT PROJECT PLAN
FOR THE REDEVELOPMENT OF LEWIS WHARF

EXECUTIVE

SUMMARY: This memorandum requests that, with respect to the proposed Lewis Wharf project, the Boston Redevelopment Authority (1) make findings required for the approval of, and approve, a Development Impact Project Plan pursuant to Sections 26A-3 and 26B-3 of the Zoning Code; (2) approve and authorize the Director to execute a DIP Agreement and Cooperation Agreement, substantially in form as appended hereto, all conditioned upon the issuance of an Adequacy Determination pursuant to Article 31 of the Zoning Code; (3) recommend approval of exceptions and conditional use permits pursuant to the Zoning Code; (4) authorize the Director to issue an Adequacy Determination pursuant to Section 31-5 of the Zoning Code; (5) make a determination that the project would serve a proper public purpose and would not be detrimental to the public's rights in Tidelands and (6) approve minor modifications to the Urban Renewal Plan for the Downtown Waterfront - Faneuil Hall Urban Renewal Area.

Project Description

The Lewis Wharf project is a proposal by The Gunwyn Company to redevelop 9.76 acres of land and water at Lewis Wharf into an active, mixed use development. The project is located at the intersection of Commercial Street and Atlantic and Eastern Avenue in the North End/Waterfront District of Boston.

The plan includes the construction of a 335 room Marine Inn, 2.5 acres of public open space, 570 space below grade parking garage

and expansion and upgrading of the present marina to 65 slips. Total project cost is estimated at \$100 million. It is anticipated that construction will commence by the Fall of 1991 and be completed by the Fall of 1993.

The Marine Inn is configured within two buildings built on finger piers in the approximate location of two presently existing piers at the end of the Lewis Wharf property. The north building is proposed at a height of 55 feet above the deck level of the pier, and the south building at a height of 51 feet.

Public Benefits

The Lewis Wharf project provides numerous public benefits ranging from newly created, publicly accessible open space to economic benefits at the city, state and federal levels that will total over \$41 million in revenues during the first seven years of operation.

Public access and enjoyment will be realized from the replacement of deteriorating and blighted piers with the Marine Inn, a facility of public accommodation, which houses a restaurant, cafe, meeting facilities and a shipwatching station open to the general public.

Water dependent activities available for public use include improved sailing program facilities, a new water taxi dock, public landing, dinghy dock, access for fishing and an enlarged marina with transient and seasonal slips.

The project will create 2.5 acres of publicly accessible open space that includes a new park, a series of landscaped plazas and 2600 linear feet of Harborwalk. Presently the site contains 100 surface parking spaces which will be relocated below grade.

All parking and loading dock facilities will be contained within structures and below grade, not visible to pedestrians. Access to the below grade facilities will be from Eastern Avenue and from the Marine Inn access drive. A subsidized overnight parking voucher program that can accommodate 60-100 North End residents is also proposed.

The redevelopment of Lewis Wharf will provide a housing linkage contribution of \$742,000 and a jobs linkage contribution of \$148,400. The project will provide enough funds for creating an independent jobs program in hotel management for teenagers that could be run through a community college and/or the North End Union.

The construction phase is expected to create 400 construction jobs. Over 350 permanent hotel-related jobs will be created upon completion of the project.

Urban Design

The physical compatibility of the project within the context of the North End Waterfront results from the Marine Inn's simple massing and repetitive architectural motifs which recall archetypal 19th and 20th century mercantile wharf buildings. Materials have been selected to be compatible with adjacent brick and granite waterfront structures.

View corridors through the site have been designed to maintain and expand existing waterfront views from the North End and long shore views along the pier ends. A long distance view of Boston Harbor from the North End is provided by the Fleet Street view corridor. These view corridors are reinforced through the location of pedestrian access paths and articulated by planting and lighting schemes.

Open space is a critical element of the project's public access. A total of 2.5 acres is devoted to public open space that includes a new park located along Atlantic Avenue, passive and recreational space along the north and south piers area, a Bowling Lawn and a continuous public pedestrian promenade along the water's edge.

Zoning

The Lewis Wharf project is located within the boundaries of the North End/Downtown Waterfront Harborpark District Zoning established under Article 42A of the Boston Zoning Code. The Marine Inn is an allowed use, and meets the open space, FAR and height requirements of Article 42A.

Over three years of community review and discussion preceded adoption of the North End/Downtown Waterfront District Zoning in the spring of 1990. This participatory process resulted in a strong consensus in favor of the zoning. In December 1989 the North End Waterfront Neighborhood Council voted 13-3 and the Harborpark Advisory Committee voted unanimously in support of the zoning.

Numerous speakers voiced their support for the zoning at a public hearing held by the BRA on December 14, 1989. In addition letters of support were received from the Harborpark Advisory Committee, the Boston Harbor Association, the Greenspace Alliance, the Boston Shipping Association, the Governor's Office of Economic Development, the Department of Environmental Protection, the International Longshoremen's Association, and other local labor representatives. The BRA also received a petition in favor of the zoning which was signed by over 500 residents of the North End Waterfront.

As is apparent from the foregoing, the North End/Downtown Waterfront District Zoning received widespread and overwhelming

support from the community. The BRA voted on March 15, 1990 to petition the Zoning Commission to adopt such proposed zoning. On April 23, 1990, the Zoning Commission adopted the North End/Downtown Waterfront District Zoning as Article 42A of the Boston Zoning Code.

The proposed heights of the Marine Inn -- 55 feet for the north building and 51 feet for the south building -- comply with the 55 foot height limit established by Article 42A for this area. Approximately 57% of the Lewis Wharf site will be public open space, which is above the 50% requirement established by Article 42A. The project's proposed FAR is 1.87, which is below the FAR established by Article 42A.

Relief from certain technical requirements of the Code is necessary to accomplish the project. Specifically, conditional use permits under Article 6A of the Zoning Code will be required for the parking garage under Section 8.7 since the parcel is located in a restricted parking district; the pool house structure under Section 42A-18.7(b); and the marina under Section 42A-18.7(a). An exception to Article 25 Flood Hazard Districts will also be required in conformance with the recently adopted flood zone maps.

Development Review Process

The Lewis Wharf project is subject to the development review requirements as set forth in Article 31 of the Code. Accordingly, the Applicant filed a Project Notification Form ("PNF") on May 31, 1989. The BRA issued its Scoping Determination on August 1, 1989. The Applicant filed a Draft Project Impact Report ("DPIR") on May 16, 1990, and the BRA issued its Preliminary Adequacy Determination ("PAD") on June 29, 1990.

The North End Waterfront Neighborhood Council has reviewed the redevelopment of Lewis Wharf throughout the process. On May 1, 1989, the Council voted in favor of the developer's proceeding with environmental review of the project.

Subsequently, the Council formed a subcommittee of its Land Use Subcommittee in order to review the DPIR which studied the environmental impacts of a 44 foot tall 263 room marine inn and a 55 foot tall 335 room marine inn.

This subcommittee consisted of Council members as well as two members of the Boston Waterfront Neighborhood Association and two trustees of the Lewis Wharf Granite Building. Upon concluding their deliberations, the subcommittee passed a motion in support of a 263 room hotel, but not of a 335 room hotel, and an expression of continued interest in monitoring the project as it proceeds. The subcommittee's motion was accepted by the Council.

The Harborpark Advisory Committee has also been involved in the

review of this project throughout the process. The Committee voted to endorse the 335 room marine inn proposal which is before the BRA today.

Based on comments received on the DPIR and further analysis, the following changes and refinements have been made to the project and incorporated in the Final Impact Project Report ("FPIR") submitted on October 31, 1990:

- o Total amount of parking has been decreased from 700 to 570 spaces, without change to the 60-100 spaces available at reduced rates for North End resident evening parking;
- o Loading and service for the Marine Inn has been relocated from Eastern Avenue to below grade;
- o The Fleet Street view corridor from the North End to the harbor has been widened 50% to approximately 65 feet in width;
- o The open space design has been refined to create a significant public park along Commercial Street that welcomes people into the site;
- o The pool building has been pulled back from the water's edge to provide for a continuous publicly accessible Harborwalk with more public seating provided along its entirety and expanded public destination areas at the ends of the piers;
- o A second level pedestrian bridge, primarily of glass with light steel frame, has been incorporated between the two Marine Inn buildings and pool house; and
- o The combination of reduced parking and refinements to the traffic analysis in response to comments on the DPIR as well as observation of actual hotel operation has reduced projected daily auto trips to the site by almost 50%, and peak hour trips by 20% in the AM and 25% in the PM peak hour.

On November 13, 1990, the Boston Civic Design Commission unanimously approved the Lewis Wharf project. Commission members specifically mentioned that heights of 55 feet and 51 feet worked well with the character of other buildings in the area. Further review was encouraged during design development with respect to the location of structural supports for the second level walkway and planting alternatives for the area adjacent to the entry plaza.

Conclusion

The plan for the redevelopment of Lewis Wharf is a result of an

extensive review process where the interests of the public have been balanced with the economics required for the project to proceed. The project complies with the North End/Downtown Waterfront Harborpark District Zoning height, FAR restrictions, and open space requirements.

The project continues to offer the economic benefits of construction and permanent jobs, increase in local and state tax revenue and the public benefits of revitalization of currently derelict piers for water-related and publicly accessible uses against an economic context which has changed dramatically from that in which it was initially proposed.

Finally, the Gunwyn Company has substantial experience in the development of environmentally and design sensitive projects in Boston. Graham Gund Architects is widely recognized for its high standard of quality design.

Approval of the plan for Lewis Wharf is requested contingent upon the issuance of the Adequacy Determination, the execution of Cooperation Agreements pursuant to Article 31, the Boston Transportation Department's certification that a Transportation Access Plan Agreement has been executed, and the Office of Jobs and Community Services' certification of compliance with requirements regarding a Boston Resident Construction Employment Plan, and a Memorandum of Understanding and First Source Agreement for the Voluntary Employment Plan.

The developer has also requested the Authority to approve a minor modification to the Downtown Waterfront - Faneuil Hall Urban Renewal Area in order to clarify the proposed hotel as a permitted use under the Urban Renewal Plan. The present permitted use of Parcel B-2 under Section 503 of the Urban Renewal Plan is "General Business and Residential". In order to clarify this matter it is recommended that the permitted uses for Parcel B-2 be modified to include "Transient Housing" with "General Business and Residential".

Appropriate votes and resolutions follow:

